IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

COMPANY APPLICATION No. 388 of 2006
In
COMPANY PETITION No. 205 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NATWARBHAI LAXMANBHAI & 1 - Applicant(s)
Versus
O.L. OF GUJARAT STATE TEXTILE CORPORATION LTD. & 1 - Respondent(s)

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Appearance :
MR TR MISHRA for Applicant(s) : 1 - 2.MR UT MISHRA for Applicant(s) : 1 - 2.
MR.HIREN M MODI for Respondent(s) : 1,
MR KAMAL TRIVEDI, ADVOCATE GENERAL, ASSISTED BY MS. SANGEETA VISHEN, AGP for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH
Date : 07/11/2006

ORAL JUDGMENT

1.Heard Shri T.R.Mishra, learned advocate appearing for the applicants, Shri Hiren Modi, learned advocate appearing for the respondent No.1 – Official Liquidator

and Shri Kamal Trivedi, learned Advocate General appearing for the respondent No.2.

2. By way of this application/Judge's Summons, the applicants have prayed for an appropriate order directing the Official Liquidator to release the amount of benefits sought for in the Recovery Application No.261 of 1997 at par with other employees already paid.

3. It appears from the record that the Recovery Application No.261 of 1997 is pending before the Labour Court, Ahmedabad. It is the case of the applicants that other similarly situated employees are already paid the amount due and payable to them, however, the applicants who were out of Gujarat and were not available, the payment was not made. Be that as it may, the applicants are permitted to proceed further with the Recovery Application No.261 of 1997 pending before the Labour Court, Ahmedabad, by joining the Official Liquidator of Gujarat State Textile Corporation Limited (in liquidation) as well as the State of Gujarat through the Secretary, Industries and Mines Department, Gandhinagar. The Labour Court, Ahmedabad, is directed to allow the applicants to join the aforesaid two authorities as party respondents to the aforesaid Recovery Application and decide and dispose of the same in accordance with law and on merits as early as possible preferably within a period of 4 months from the date of receipt of this order. If any order is

passed by the Labour Court, Ahmedabad, in the Recovery Application, the same shall not be implemented without prior permission of this Court.

4.With these, the present application is disposed of.

Direct Service is permitted.

[M.R.SHAH, J.]

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